

October 28, 2009

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TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 28, 2009

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: DANIEL GALLAGHER

REGULAR_MEETING:

MR. ARGENIO: I'd like to call to order the October 28, 2009 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: We're going to get right down to business here because I'm sure there's at least one person in the audience that wants to see the Yankee game tonight and it's going to be tight so let's get right down to business.

APPROVAL_OF_MINUTES_DATED_9/9/09

MR. ARGENIO: First thing that we have on tonight's agenda is approval of the minutes dated September 9, 2009 sent out via e-mail on the 24 September, 2009. If anybody sees fit, I'll accept a motion we approve them as written.

MR. BROWN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

REGULAR_ITEMS:

MASON'S_RIDGE_(09-24)

MR. ARGENIO: The first regular item on tonight's agenda is Mason's Ridge multi-family residential development. Application proposes the development of the 12.6 acre parcel as an 84 unit multi-family work force housing complex. The plan was previously reviewed at the 9 September, 2009 planning board meeting. The project is off of Route 32, for the benefit of my contemporaries, just south of where Mr. Van Leeuwen's former business was, Arkel Motors. That said, your name and the firm you're with for the benefit of the stenographer?

MR. WOLINSKY: Larry Wolinsky with the law of Jacobowitz and Gubits, with me is Dawn Kalisky, engineer from Lanc and Tully and Mario Salpeppi from A. J. Cappola Associates and Larry Regan, the project principal.

MR. ARGENIO: Floor's yours.

MR. WOLINSKY: Primarily this evening we're here to present and answer any additional questions on the plan. A revised submission was submitted after the last meeting by Dawn from Lanc & Tully. We understand that the plans are in relatively good shape and what we're hoping for this evening is that they are advanced enough at least to have a public hearing on the site plan, if that's what the board wishes. We also have comments back from the County Planning Department. There's one quote unquote binding comments which they recommend that the, that the sidewalk be constructed from the project down to the entrance off to the state highway Route 32. We should discuss that with the planning board, see how the planning board feels about that.

MR. ARGENIO: How do you feel about it?

MR. WOLINSKY: Well, Larry, do you want to articulate?

MR. REGAN: Our position is we'll be happy to do it. I understand there may be some ADA issues we'd be happy to fund it, I think it's good for the project, get people up and down the roadways safely. But we'd like to get comments from the professionals and yourself at the board and let us know how you feel about it. We can go either way but we would be willing to do it.

MR. ARGENIO: Mr. Wolinsky, go ahead.

MR. WOLINSKY: Well, that's all I have at the moment. We're ready to accept any comments or questions from the board or its concerns.

MR. ARGENIO: I did while my contemporaries look at the comments and they examine the plans, I did have a discussion with Mr. Edsall about the size of the community building and you were going to do a little leg work Mark on that. What did you come up with?

MR. EDSALL: Actually, in my first bullet under comment number 2 as you requested I provided the minimum required versus what's provided. There wasn't a square footage on the plan but based on scaling it appears to be around 3,760 square foot whereas based on my understanding of the work force housing code you'd only be required to have 1,680 so it's approaching double or more of what's required.

MR. ARGENIO: Guys, I asked Mark to check on that because that's always a point of discussion with the condo complexes, the community center, how does this relate to, now let's take the code and put it aside, how does this sizing relate to what's typically approved for condo complexes?

MR. EDSALL: This would seem to be a fairly good size for an 84 unit complex, equal to or greater than what you normally see and under additional comments, I provided another delineation of the outdoor activities so they have quite a good mix.

MR. ARGENIO: Mr. Wolinsky, can you point on the plan for the benefit of the members about approximately where the basketball court is, the children's playground, play field and sidewalks, the other stuff, where are the appurtenances going to go?

MR. WOLINSKY: Combination of two locations here and here, do you want to just tell me what's in which location?

MS. KALISKY: I'm sorry, it's not shown on this plan, I didn't update this to reflect the changes that have been made. Originally, we had a play field up here and the board suggested a basketball court may be more appropriate so we have changed this, we have a basketball court, picnic table and benches in this area and a barbecue, we also down in the area by the community building we have a children's playground younger to the area along with some barbecue picnic tables, benches and whatnot. Additionally, we did connect the sidewalk in this location so we have a complete loop inside for all building access to the community facility.

MR. ARGENIO: Do you have enough parking for the community facility?

MS. KALISKY: The code requires two parking spaces per unit, we have two per unit, we also have 10 additional.

MR. ARGENIO: You have 10 spots for a 3,800 square foot building?

MS. KALISKY: Yes.

MR. ARGENIO: Thoughts on that, Mark?

MR. EDSALL: If there's a way for them to fit some additional spaces it would probably be beneficial cause the code does say two per unit but I believe it also says plus additional spaces for the other facility. So it leaves it in your board's hands. If there's some room it would be helpful to have just some overflow because we tend to find that when there's an activity and it's the winter and they figure well I've got to bring some stuff over for a group gathering they tend to drive even though it's within the same complex or they have guests for a party.

MR. ARGENIO: Can you help us with that, ma'am?

MS. KALISKY: Actually, yes, in addition to just the community rooms, the meeting rooms, the community building also has this laundry facility so that's an excellent point probably so more parking would be sufficient. In this area here we have more than enough room where we currently have the child's playground area we can shift that down a bit more, we have play area and a play field here, we can shift that down a bit and put in as many additional spaces that the board would deem appropriate.

MR. EDSALL: I think it would help the site function a little better.

MS. KALISKY: An additional 10 spaces would be, that would provide 20 over and above the parking for each individual unit.

MR. SCHLESINGER: I see in the area you're talking behind the building I'll call it five spaces now where are the other spaces going to be?

MS. KALISKY: On the other side.

MR. SCHLESINGER: And then so is that additional five in back five in the rear?

MS. KALISKY: That's what we have right now and as I said in this area here we can provide.

MR. SCHLESINGER: Yeah, you have enough room?

MS. KALISKY: More than enough to provide how many other spaces.

MR. ARGENIO: Probably go south and north with the parking. I feel like I'm doing all the talking here but that's okay, so I think the outdoors stuff is good, I think you have a good idea there, you have a little playground, should there be and this is an open-ended question, should there be near that playground should there be some type of delineation between the playground and the roadway?

MS. KALISKY: Actually--

MR. ARGENIO: I'm asking your opinion.

MS. KALISKY: The playground areas that we have put on the sites of course the roads are all curbed, there's a definite curb line, there's landscaping, the recreation facilities are really clearly seen on the landscaping sheet.

MR. ARGENIO: I think my question is relegated specifically to what you're calling the playground, nothing else.

MS. KALISKY: Right, to the area, the playground equipment, the matting it has edging and the interior is filled with the rubberized, Mario, help me out.

MR. SALPEPPI: Rubberized mulch and there is a curbing

which gets pinned down into the grade to hold the mulch in so there's an actual edge to the playground.

MS. KALISKY: Once we add the additional parking we'll of course shift that so it's an appropriate distance to make sure nobody can park their car and hit some child on a swing.

MR. ARGENIO: Mark, I see you do in your comments here you have commented on the parking as well.

MR. EDSALL: For the community building?

MR. ARGENIO: Yes.

MR. EDSALL: Yes, well, that was something I thought they should look at a little bit.

MR. ARGENIO: Somebody on the board please take a look at the plan, what pages are the dumpster enclosures on?

MS. KALISKY: Actually, they are shown on every one of the plans, the bump-outs with the demarcation of the rectangular shape they can be seen on this grading and utility plan, the actual detail is on the construction detail.

MR. ARGENIO: That's page 1 of 2, how many do you have?

MS. KALISKY: We have five in total.

MR. ARGENIO: Do you? That's good.

MS. KALISKY: Yes, here, here, here, here and here.

MR. SCHLESINGER: What's the size of those areas?

MS. KALISKY: These areas are 10 x 20 each.

MR. SCHLESINGER: You have enough for two dumpsters,

recyclable?

MS. KALISKY: Yes.

MR. ARGENIO: I have 20 x 10 here on my drawing.

MS. KALISKY: I said 10 x 20.

MR. ARGENIO: I thought you said 20 x 20, I apologize, I thought you said 20 x 20. Inasmuch as we're not looking at the most current plan, what other significant changes are there that we're not seeing here?

MS. KALISKY: Okay, well, actually, I have highlighted what we did address and I knew that were big concerns of the board. The additional parking lot, the shared commercial access, actually we have looked at it even more as we were speaking earlier about the sidewalk coming all the way down, that's not even on the plan that you have now. We're showing a sidewalk, we have actually realigned it a bit to try and get a 10, 6 and a half and a 10 percent grade, it was a 10, 12, 6 and 10. So we can get the sidewalk down here and again we'll work with this board and the HCR. Our storm water management there was concern of how storm water was being handled for this shared commercial access, the majority of the site drainage is collected in the catch basins and discharged through some four bay sediment or sand filters for water quality discharged to a basin. The service shared commercial access we're collecting at a point discharging to a biofiltration area which ultimately discharges into the state's system. We have a portion--

MR. ARGENIO: Let me just interrupt you for a second. Am I correct to understand that all the water is going to remain, all the discharge is going to happen down adjacent to 32 with no discharge at any other points on the site?

MS. KALISKY: For the shared commercial access, the discharge for the site is this stream that runs in and then around and ties into its an unnamed stream but ties into the state system as well.

MR. ARGENIO: Is there an existing stream up on the hill?

MR. EDSALL: I haven't been up on the site but there's--

MR. VAN LEEUWEN: No stream.

MS. KALISKY: It's an intermittent stream.

MR. EDSALL: Probably just a channel, not really a stream.

MS. KALISKY: I was standing in it last with week and shoes were completely dry, so depends on the amount of rain.

MR. ARGENIO: It's really not a stream but a drainage way.

MS. KALISKY: Yes.

MR. SCHEIBLE: I went down there today, I've been waiting for a large rain and we got it this week and there's a lot of water coming down there and that's a major concern of mine, how that's, what you're trying to describe to us right and you're doing a very good job but there's a tremendous amount of water that hits Route 32 on a day like today it was a typical example.

MS. KALISKY: That ultimately discharges into the streams, the state system is modeled in the storm water prevention pollution plan which does include the drainage analysis.

MR. ARGENIO: Along 32?

MS. KALISKY: Yes.

MR. ARGENIO: That was going to be my next question.

MR. VAN LEEUWEN: On 32 there's no drainage, all there is is a swale, concrete swale.

MS. KALISKY: Right, and we have a 24 inch RCP that actually crosses under just north of the property here.

MR. ARGENIO: I will tell you this and as you guys know my business is over in that area and that little swale, Henry, near where your business used to be, it did get full but I never remember 32 getting flooded, never in my life do I remember it flooding out, I never remember that happening.

MR. VAN LEEUWEN: Only thing you have to worry about is the ice.

MR. ARGENIO: I think what the lady's describing is the fact that the water is taken underneath 32 and it goes to the east side of the highway before it gets down in front of your former business, I think that's what you're describing, ma'am?

MS. KALISKY: Right, right, as I said, there's a 24 inch RCP which is modeled as I said in our drainage analysis.

MR. ARGENIO: I'm also going to tell you that the application across the street Greg Shaw designed quite a few years ago and there's big giant rip-rap swale on that property that takes it from there.

MS. KALISKY: Yes.

MR. ARGENIO: If my memory serves me.

MS. KALISKY: Once again, that discharge point is solely for the water that's collected from the shared commercial access. Water from the site coming down once that's collected is discharged here and works its way around.

MR. ARGENIO: Neil, I just want to look to you cause you tend to focus on this, are you okay, there's quite a few dumpster enclosures, I think it's sufficient.

MR. SCHLESINGER: I thought it was more in line, you said you were happy with five, you know, seems like there's one for every group of houses, the sizing is good though 10 x 20 is a nice size.

MR. ARGENIO: Howard, you live at Patriot Ridge.

MR. BROWN: We only have four dumpsters for 102 units.

MR. ARGENIO: I think we're out of the curve here.

MS. KALISKY: If I just may advise the board we're just finishing off another project in Rock Glen is 84 units as well, we have the same number of dumpster enclosures there and it does seem to be, we're getting the final, all the buildings aren't full at this point but almost.

MR. ARGENIO: Let's, I want to hit something here, oh, no, let me hit one other thing then I'll hit this, I see a detail in the plans for walls that are going to be used around the site, there's a note there that says four foot maximum height on those walls.

MS. KALISKY: That's for the landscaping walls.

MR. ARGENIO: Is four foot a good number, is it accurate?

MS. KALISKY: That's accurate.

MR. ARGENIO: You're sure?

MS. KALISKY: Yes. Now there's also a detail for a strong stone retaining wall down in this area here of course we need something more substantial.

MR. ARGENIO: How tall was that wall?

MS. KALISKY: That wall shows 10 feet, I think I had it down to 8, once again, I'm re-looking at the grading the next set of plans you see you can see everything a little bit lower, a couple of more landscaping walls we show them here, now I have one up in this area as well but once again, the strong stone wall to support the road and provide for the basic.

MR. ARGENIO: Let me give you a comment on the wall that you just pointed out, I would assume that the detail with the split rail fence with the chain link in front of it, I'm going to assume that's an illustration of chain link is that on top of the stone?

MS. KALISKY: No, that would be a guiderail.

MR. ARGENIO: And a fence?

MS. KALISKY: No, the fencing that's shown on the details there that's the fencing that we put around our storm water facilities, yes.

MR. ARGENIO: Here's where I'm going with the comment, if you have a wall that's 10 foot high, your first issue you have addressed with the wood guardrails, it's on a curve, you should have a guardrail, code dictates you're going to have to put fence on top. Are you aware of that?

MS. KALISKY: I was not aware.

MR. ARGENIO: You need to put a fence where there's a children's play area 90 feet away or 120 feet away or whatever that is. Jennifer, am I misspeaking on that? Jen, if I'm not, you need to put it in there.

MR. EDSALL: It's more a town standard than it may be a specific State Code reference. What we have seen a lot of times if you want--

MS. KALISKY: We'll--

MR. EDSALL: If you want something aesthetic many developers have put in the tall split rail fence with the black chain link fence mounted to the back.

MS. KALISKY: As our detail shows for the pond.

MR. EDSALL: It works rather well, it's not unsightly.

MS. KALISKY: Very good, that will be reflected.

MR. ARGENIO: I got sidebarred a little bit, here's where I was going and I want to to hear from everybody on this, Mark, I want to hear from you on this as well, what of the sidewalk, Mark, do you have a thought on the sidewalk? Just so everybody knows, Mr. Wolinsky mentioned it, one of the things that county says is they'd like to see a sidewalk down to 32. Now, I don't know how that falls in the purveyance of intermunicipal planning but nonetheless, that's their comment and I think we need to address it. Mark, do you have any thoughts on this sidewalk off 32?

MR. EDSALL: We did discuss it during the work session periods, I indicated if one can be installed safely I'd like to see one. They are looking at the ADA issues, safety issues and as I understand it, some of the funding mechanisms there are some criteria which may prohibit or not necessarily endorse having sidewalks at

greater than a certain percentage slope. So I would throw it back on them, I would think it's a good idea given the size of the units, they have a bus pickup area but you'd have to walk down the road to get to it.

MR. ARGENIO: Okay, this is where I'm going with this, guys, I have an objection to sidewalks to nowhere in this town, Henry Scheible and I have gone round and round about this 100 times, I have an objection to that but if it's going somewhere that's a different discussion.

MR. EDSALL: My concern was that if there in fact are pickups that are going to occur at that bus shelter or the pickup shelter, that if people had to drive down to drop off kids or whatever or were just walking down getting down there they'd have to be doing u-turns and there's no place to turn around.

MR. ARGENIO: That's a problem.

MR. EDSALL: So if there's a shelter there I think the sidewalks are worthwhile. If there's no shelter, it becomes questionable.

MR. ARGENIO: Ma'am, did I hear you say earlier that you have resolved the logistical issues as relates to the ADA requirements for installing a sidewalk down that slope?

MS. KALISKY: No, we have actually worked on the grading a bit and can get it to a 10 percent maximum but the ADA requirement is 5 percent, we can go to 8 percent with a handrail. Of course we'll be speaking with the DHCR. and find out what they have to say about this as well, this site will not permit just with the existing topo, it will not permit.

MR. ARGENIO: It's steep.

MS. KALISKY: ADA compliance.

MR. ARGENIO: I have no idea how you would accomplish that with the grades.

MR. WOLINSKY: The problem with the ADA is you probably could design something where you came down two small steps and then again and get that but that wouldn't be ADA compliant and we have to go back to the Division of Housing and Community Renewal, just so everybody understands because that's a key funding party in the project and they have their own building regulations and we'll have to talk with them and make sure that they're okay with the non-ADA compliant sidewalk going down and then if we can, assuming we get over that then there's no problem with sidewalks. The sidewalk will have a rail all the way from the top to the bottom.

MR. EDSALL: Mr. Chairman, if they aren't able to get a sidewalk in and there's the potential that people would drive down the hill to drop people off or pick up at the shelter possibly they can put in a couple parking spaces that are 90 degree to the road where people would pull in, discharge the passengers, back out and drive back up, so they wouldn't have to go back out on the highway and that may resolve that issue.

MR. ARGENIO: Are you okay with that? I agree with that. Neil and Howard?

MR. SCHLESINGER: I agree.

MR. VAN LEEUWEN: I think it's an excellent idea.

MR. SCHEIBLE: I don't.

MR. ARGENIO: You don't what?

MR. SCHEIBLE: Agree with no sidewalks.

MR. ARGENIO: That's not what I asked you. The question I asked you was if they cannot get the sidewalks in an ADA compliant fashion, it's probably better to not have the sidewalks but to have a couple of parking stalls at the bottom of the road 90 degrees to the road where a car can pull into the parking spot, drop someone off to go to the bus shelter and drive back up the road. That's the question I asked.

MR. SCHEIBLE: Okay.

MR. ARGENIO: If the sidewalks can't be done in an appropriate fashion, the question was are we okay with that and I think I agree with you guys.

MR. SCHEIBLE: Like the gentleman just said, if there is a possibility doing step down sidewalks or whatever else you call it because hypothetically, you have 42 kids that are getting on a bus at the same time at 8 o'clock in the morning, you have 42 cars heading down there at the same time, that's not going to work either.

MR. WOLINSKY: We're going to talk to DHCR and try and convince them to allow this to be a non-ADA sidewalk.

MR. ARGENIO: Which will be without steps.

MR. WOLINSKY: By the time we're back with you, we should know something.

MR. VAN LEEUWEN: There are no sidewalks on 32 to my knowledge.

MR. ARGENIO: Exactly, and I wasn't aware of the bus shelter until somebody, Mark just pointed it out if it's going to somewhere, I'm okay with it, but if we're putting them in for the sake of putting them in, you'll get resistance from me all day long on that, but it doesn't seem that that's the case.

MR. SCHLESINGER: I just want to clarify you're talking about a bus shelter that's for the public schools dropoff and pickup or are you talking about a bus shelter for Newburgh to New Windsor?

MR. ARGENIO: I believe it's both.

MS. KALISKY: Well, actually, school children right now, this area isn't included in that, in the public transit.

MR. SCHLESINGER: It's not included so hypothetically a kid goes to NFA, how, there's no bus service there?

MS. KALISKY: Oh, no, when I say public transit, the Orange County public transit.

MR. SCHLESINGER: But there's school buses?

MS. KALISKY: Yes.

MR. SCHLESINGER: So with the school buses, would the school buses go through the community and pick up the kids?

MS. KALISKY: Well, what we intend on doing which you'll probably say no but we're going to have a meeting with the school district as well as postmaster so we can nail this down as far as if they'll go in there, we don't have to worry about a bus shelter here of course we didn't want to get too far without having meetings if the project wasn't going to proceed.

MR. SCHLESINGER: So we have a couple of ifs.

MR. ARGENIO: I agree.

MR. SCHLESINGER: If we can put the bus thing to rest, I agree with Hank, I mean, I believe that there should

be a sidewalk. If you can't because of grade get an ADA sidewalk, I mean, I still think that it still would be a good idea to put in a sidewalk period being so far away on the grade, but you're leading me to another subject, which is what's your proposed mail delivery service?

MS. KALISKY: We have a community facility, central mail facility located at the community building right now, I have shown it, it was shown out located outside as a separate structure and speaking with Mario the architect there's an area in here that would be very, it's a covered area.

MR. SCHLESINGER: So you have 100 mailboxes or whatever, is that the way they do it?

MR. BROWN: No, no, each building has their own mailbox, the street has their own mailbox.

MR. SCHLESINGER: You have to get approved through the postal service.

MS. KALISKY: Yes, we have not had that meeting yet.

MR. SCHLESINGER: So there's three options, a central, individual or something at the bottom of the hill?

MS. KALISKY: Yes, well, I don't know at bottom of the hill would be appropriate but if that's what the post master says, that's what we do.

MR. VAN LEEUWEN: Are the interior roads private roads?

MS. KALISKY: Yes.

MR. VAN LEEUWEN: Bus will not come in or postal service is going to have to be done at the end of the road.

MR. ARGENIO: Planning board issued lead agency coordination letter on 9/23/09, if anybody sees fit, I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for this application. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: What about DOT?

MS. KALISKY: We actually we got a copy of their comments letter back to you saying they had an objection for lead agency and the DOT now has, they want to do the cursory review, you have to provide the check for \$2,000, you have to provide everything on disk as well as seven copies, we're in the midst of assembling that as well as the analysis for the one area that they are questioning, I actually have that in my briefcase right now that document will be going to the DOT, we of course have to have a highway work permit for this and we'll work with the DOT with whatever they require us to do we'll do.

MR. ARGENIO: You're still doing the proverbial dance as it were?

MS. KALISKY: Yes.

MR. VAN LEEUWEN: Are they going to make you do a traffic study?

MR. WOLINSKY: We did one.

MS. KALISKY: You have it.

MR. ARGENIO: We're going to see this again, guys, so let's, it's important that we give you guys feedback tonight.

MS. KALISKY: If I may, one other issue was or question I should say was the lighting on this site, your town has specific code for the foot candles and general design standard, the lighting is in fact LED lighting, it's not your typical metal halide lighting. If you are familiar with LED lighting, it's really new, not really new technology, but coming out now with site lighting as well, it's a higher perceived light, so it throws less foot candles but the lighting seems brighter. We actually have that installed in our Fishkill project and they are all quite pleased with it, they being the town. Once again, this lighting is focused, it's detailed there, Mark, is there anything further that--

MR. SCHLESINGER: The advantage of the LED lighting is also using less power.

MS. KALISKY: Absolutely, it's green technology, it uses 68 or 86, 68 percent less per fixtures, there's no harmful chemicals as there is with the metal halide, the fixtures their life span is 10 to 20 or up to 20 years as opposed to one to two years for a metal halide so it's very green technology.

MR. ARGENIO: One question I'd like to ask, I brought this up at the last meeting and I don't know that you were here, ma'am.

MS. KALISKY: No, I was not, I apologize for missing that one.

MR. ARGENIO: What I said was that I don't know how close this facility is to the base of Snake Hill and there could be an issue of rocks falling down the hill, I have lived here all my life and I have actually seen that. Can you shed some light on that?

MS. KALISKY: Actually, I can, the base of Snake Hill the rock ledge, the rock shear I should say is about 330 feet behind our property line, our rear property line, so all this area in here is wooded, not heavily, there's, you can see where some boulder has come down, it's sporadic in this area but it does.

MR. ARGENIO: How steep is it?

MS. KALISKY: In this area, you have about a--

MR. ARGENIO: Give it to me in percentage.

MS. KALISKY: One on 4, 1 on 4. In this area here less in this area, this is the steepest point right here.

MR. ARGENIO: Mr. Wolinsky, these guys are jabbering here to my left and they're are jabbering about something, I was going to ask you that parcel behind you who owns that parcel?

MS. KALISKY: Manns Brothers.

MR. ARGENIO: So that's Henry Scheible and Henry Van Leeuwen, that's the former power line.

MS. KALISKY: Yes, yes, absolutely, in fact, you'll note that our plan indicates 50 foot wide easement that's in favor of Central Hudson, it's a clearing easement. I did send correspondence to Central Hudson

to find out well gee guys you don't own that anymore, do you really need that easement? Once again, it's only a clearing easement giving them clearing rights, they said well, we don't own it anymore but we hate to give up an easement if we have one.

MR. ARGENIO: That's ridiculous.

MS. KALISKY: Well but he said Dawn, send me your plan, let me see what you want to do in there. I have a letter or an e-mail back from him stating that Central Hudson takes no exception to the grading and the proposed walls that we have.

MR. ARGENIO: Let's try to keep it moving, we're definitely going to see this again, there will be a public hearing at the Town Board level as is required by law for this application. It seems to me that we need to discuss this and come up with a conclusion as to whether we're going to have one or not. We have typically leaned away from redundancy but my thoughts are I don't think it would show applicant down if we had a public hearing. This is the first work force housing project that we have gotten to this point in the town so insomuch as it's certainly not to slow the applicant down, meaning the meetings that we're going to have to have by law moving forward over the next couple months I think we should consider it but I want to hear from you guys, I'll go to my left which is what I do sometimes, Mr. Scheible, do you have thoughts on this?

MR. SCHEIBLE: Considering I come right down to the bottom line what you were just saying a public hearing?

MR. ARGENIO: Yes.

MR. SCHEIBLE: Yes, I definitely agree we should have a public hearing because we have an unusual situation here which we have never had before and I think the

public should know more about it now as much as we should know more about it.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: I agree with Hank.

MR. BROWN: I agree.

MR. SCHLESINGER: Yeah, I agree, I don't think it's a matter of redundancy, I think that the Town Board is going to be addressing other issues that they think that it is a big enough project first time type thing.

MR. ARGENIO: Let me be clear about the redundancy, typically, if somebody goes to the Town Board or they go to the zoning board and they have a public hearing and nobody shows up then typically we shy away from it but for the reasons that I stated you guys tend to agree with me. I'll accept a motion that we schedule that.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Mason's Ridge multi-family residential site plan. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Dominic or Mark, I think I've hit the

high points. Anything else we need to move forward with?

MR. EDSALL: The plans are in very good shape but the applicant posed the question which really wasn't brought to any conclusion was requesting some input on the lighting. I will tell you that the lighting levels as Dawn indicated on a foot candle basis are lower, there is a perceived, because of the type of lighting LED provides.

MR. ARGENIO: Mark, she's right about that, don't you agree?

MR. EDSALL: Absolutely, and given the direction that we're trying to go to move with the times and be more progressive with green technology, maybe this is the project that we work with and more or less call it a trial.

MS. KALISKY: We have added the notes once again if the lighting's sufficient, needs more, needs less.

MR. ARGENIO: So the Planning Board's covered LED.

MS. KALISKY: Yes.

MR. ARGENIO: I caution you as well the next time you come here, Mr. Wolinsky, you know this, you've been here before, please be sure that we're in possession of the most contemporary set of plans.

MS. KALISKY: You are, sir.

MR. ARGENIO: You said to me earlier that there's been some changes.

MR. WOLINSKY: No, the plans you have are the most contemporary set, what she said was that the color drawing here is not up to par.

MR. ARGENIO: Your rendering is not as contemporary as it could be.

MS. KALISKY: Yes.

MR. WOLINSKY: But we'll update that.

MR. ARGENIO: No sweat, it's all good. What else can I do for you tonight?

MS. KALISKY: I think we're set.

MR. ARGENIO: Okay, have a good night. Thank you for coming in.

MR. EDSALL: They are here for the next application too.

MASONIC_LODGE_(09-27)

MR. ARGENIO: Masonic Lodge site plan application proposes 6,400 square foot membership lodge on 2.6 acre parcel. The plan was previously reviewed at the 9 September, 2009 planning board meeting. This is the lower portion of the same site, same location, I shouldn't say the same site.

MS. KALISKY: And it's off the shared commercial access their access to that.

MR. ARGENIO: We have been friends for 20 minutes so far so you don't have to give Franny your name, we'll dispense with that formality and roll forward. Go ahead.

MS. KALISKY: The plans that originally came into the planning board as a combined site are shown on the board here. We have since divided that into two because it's a separate site plan, the SEQRA--

MR. VAN LEEUWEN: We asked you to do that.

MS. KALISKY: Yes, the SEQRA and the SWPPP all remain combined because the storm water facilities are located and utilized for both shared commercial access and the lodge parcel but what we have done we have a 6,400 square foot Masonic Lodge, we have revised the plans per Mr. Edsall's comments, we have shown landscaping and lighting, we have an asphalt pad, once again the shared commercial access we have an easement area for the shared commercial access for parcel 110 and for the drainage utilities which will be legalized and provided for review as well. And I'd be happy to answer any questions on the Masonic Lodge parcel.

MR. ARGENIO: We've heard from county, it's local determination. Let the record reflect that the lead agency coordination letter that we spoke of and voted

on earlier applies to this application as well. Please make sure that's in the minutes. Ma'am, do you have a copy of Mark's comments?

MS. KALISKY: No.

MR. EDSALL: Larry's getting it right now.

MS. KALISKY: I will in a moment.

MR. ARGENIO: I'm going to dispense with his comments under number 3 which are comments about the plan because I consider them minor in nature. They are very clear, you can change the type of concrete on sidewalks, that's all very standard stuff that this board, we talked about the lighting, the building is served by sprinklers, the water service to the buildings should be modified to provide a single tap to the main site with a valve with the service, that is a separate shut-off valve should be provided with the fire for the domestic lines. Do you understand the genesis of that?

MS. KALISKY: Absolutely, and our connection we have a six inch going in with a two inch.

MR. ARGENIO: Separate shut-offs?

MS. KALISKY: Yes.

MR. VAN LEEUWEN: I think there should be two flag poles, one on this site and one on the other site that should be at least 25 feet high.

MS. KALISKY: Okay, in fact, in the landscaping plan that we have shown in discussing with the Masonic Fellowship they actually have a monument as well that I was unaware of so I need to work with them and find out if it would be appropriate that the flag pole be located with the monument.

MR. ARGENIO: Where is the monument location?

MS. KALISKY: I do not have it shown, we're going to show it.

MR. ARGENIO: Ma'am, I also think I'm sitting here next to Mr. Van Leeuwen and he's kind of whispering in my ear a little bit and I tend to agree with him, maybe possibly some additional landscaping around the road going up the hill would look nice, something, I don't know, you have 11 trees here.

MS. KALISKY: Actually, on this plan, it's not shown because the shared commercial access is going to be maintained by the Mason's Ridge project, so on the landscaping plan my apologies but you'd have to refer back to the Mason's Ridge plan to see that we did put additional trees.

MR. ARGENIO: Ma'am, I do have a plan known as the landscape and lighting plan that does show landscaping on a drawing similar to that.

MS. KALISKY: On the Masonic Lodge parcel only.

MR. ARGENIO: Yeah.

MS. KALISKY: The additional street trees for the shared commercial access.

MR. ARGENIO: Are on the other plan?

MS. KALISKY: Are on the plan set and also keep in mind on that shared commercial access on the left-hand side we have the wooden guiderail to delineate between so we can only put the street trees on this side but they were added.

MR. SCHLESINGER: The asphalt pad will be used for what

purpose?

MS. KALISKY: The Masons have a tent that they put up and they have their barbecues or picnics or whatever that is so that would be an area for them to have that location.

MR. SCHLESINGER: One of the things we addressed at the last meeting was access to the asphalt pad.

MS. KALISKY: I do not show a sidewalk, they didn't request one, we're just leaving it in its natural state the grading.

MR. SCHLESINGER: How is the grading?

MS. KALISKY: The grading is actually quite--

MR. ARGENIO: Flat.

MS. KALISKY: Yeah, up to there we've got a little bit of a slope but definitely within 5 percent in one area and flattens to even less than that to walk up to the area.

MR. VAN LEEUWEN: Is that a permanent tent or is it a tent to take down?

MS. KALISKY: I believe they take it down, I know it's up on the site right now but it's a removable tent for lack of a better term.

MR. VAN LEEUWEN: I think that should be noted because the town frowns on tents.

MS. KALISKY: They, I know the Masonic Fellowship is, would like to build a pavilion, a wooden pavilion at some point but that's of course dependent on their funding.

MR. SCHLESINGER: You have lighting in that area?

MS. KALISKY: Once again, the lighting for the site is also the LED lighting, we don't have it up in the pavilion, only in the parking area, so up to the building and of course I would assume that they are going to throw some wall packs on the south side.

MR. SCHLESINGER: I think you need lighting between the two building in case you have a night event.

MS. KALISKY: This isn't a building and we're not proposing a building area that's there, should their funding allow in a year, in 20 years, however long it takes enough money to build a pavilion, I'm sure they'll be back.

MR. SCHEIBLE: How do we walk from the parking lot to the asphalt pad if there's an occasion going on, barbecue like you said, just walk through muddy grass?

MS. KALISKY: Grass. Would you like a sidewalk?

MR. SCHEIBLE: I'd like to see a sidewalk.

MS. KALISKY: We can add it.

MR. ARGENIO: If you're going to have an event at night possibly and you're going to have a tent up. Guys, we're out in front of ourselves a long ways here.

MR. SCHLESINGER: I'm doing lighting here, they're going to have to do some sort of lighting just looking for your own safety.

MR. ARGENIO: Mark, do you have a comment?

MR. EDSALL: Just a suggestion that if the lodge is anticipating that when their finances improve they'd want to have a pavilion, it may make sense to just show

it now so they don't have to come back for an amendment to put it in and call it Phase 2 and the town would obviously work understanding that that's a second step in your site plan, save a whole other application.

MR. ARGENIO: And I don't want you to think I'm not okay with the things, you guys are okay with the things I'm saying because I am, but we have to be careful to draw a line from what we're looking at right now which is truly a building and an asphalt pad from what could be should be, could be a pavilion or a tent that's up for a July 4th party, et cetera, et cetera. Quite frankly, the young lady didn't even mention the tent, subject wouldn't have even been discussed so as I said, I'm not saying I disagree with it but I just want to be careful about what would be, should be could be and what's now in front of us, that's all, no more, no less.

MR. SCHLESINGER: That's it.

MR. ARGENIO: Mr. Scheible, go ahead, I'm listening.

MR. SCHEIBLE: No, I just brought up the sidewalk issue again.

MR. ARGENIO: What about, well, yeah, I didn't even think of it, Henry, local determination from county. Dominic, yes, you're going to make a comment?

MR. CORDISCO: Yes, I was going to suggest even though the public hearing on this application being site plan is completely discretionary with the board, I believe that you should have a public hearing on this plan simultaneously with the other because of SEQRA, the SWPPP, it's all interconnected.

MR. ARGENIO: Do you guys agree?

MR. SCHEIBLE: Yes.

MR. SCHLESINGER: Yes.

MR. CORDISCO: Two separate notices, however.

MR. ARGENIO: I'm curious, ma'am, is there a connection between the work force housing and the Masonic thing other than the fact--

MS. KALISKY: Yes, both parcels are owned by the Masonic Fellowship.

MR. WOLINSKY: It's a contractual connection.

MR. ARGENIO: Anybody sees fit, I'll accept a motion that we schedule a public hearing for this application.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Am I missing anything?

MR. CORDISCO: No, that's it.

MR. EDSALL: Plans are in good shape, ready for the public hearing.

MR. ARGENIO: I want to have one last word on this sidewalk for the benefit of the owner and this is just

a thought that maybe I have no business saying but I'm going to tell you this, you're going to make that sidewalk ADA, if you have to make that sidewalk ADA compliant, the price will be triple at least triple, maybe more than the sidewalk with the steps that Mr. Scheible was talking about which I think I am in support of if there's a destination and there really is a destination so Mr. Wolinsky, go make that sale.

MR. WOLINSKY: We're going to try to make that happen.

MR. ARGENIO: Thank you for coming, have a good night.

RUTHIE'S_SOUL_FOOD_RESTAURANT_SITE_PLAN_(09-26)

MR. ARGENIO: Ruthie's Soul Food Restaurant. This application proposes restaurant and catering operation at the existing building on New York State Route 32. The plan was previously reviewed at the 26 September, 2007 and 15 July, 2009 planning board meetings. It also was scheduled for the meeting on 1/16/08 but was removed at the request of the applicant. This is next to Casey Manns just south across from me on 32, Henry, the old beauty supply. All right, sir, your name for the benefit of the stenographer? Tell us what you want to do here.

MR. DENDE: My name is Dave Dende from Fineman Associates. The application was before you maybe about a month and a half or so ago and the applicant is proposing to convert this existing warehouse as you say into a restaurant facility and eventually catering which is in the back section. Originally, when the board looked at this project a year and a half ago, he had the whole site designed for a full service facility but due to the economic times, he's downscaled the project and he's only going to concentrate on the front section of the building because of the funding. So presently, the building has water, sewer and gas and drainage facilities served by existing access off the New York State DOT, existing curb cut which we had some preliminary discussion about it so that needs to be circulated through your board. And at that time, Mr. Edsall had some very good comments to bring the board up to a level so the circulation and the SEQRA process can be done. So that's what we're looking at tonight.

MR. ARGENIO: Talk about scaling down the operation and not occupying the back of the building, you're showing improvements on the back, you're going to do those improvements?

MR. DENDE: These improvements are related to the

parking.

MR. ARGENIO: Continue.

MR. DENDE: So the applicant now has and is before the board to basically review the conversion of the use from a warehouse to a restaurant facility. So that's really basically in a nutshell.

MR. VAN LEEUWEN: Who's the applicant?

MR. DENDE: Floyd Johnson here tonight basically going to run the operation, facility.

MR. VAN LEEUWEN: Is this in contract or he already owns it?

MR. DENDE: He, Mr. Manns no longer owns this parcel, he bought it outright just for the record.

MR. ARGENIO: Congratulations.

MR. DENDE: As the board knows, the building has been sitting vacant for about eight, maybe almost 10 years.

MR. VAN LEEUWEN: About seven.

MR. ARGENIO: Somebody had a little deal and that lasted six months.

MR. DENDE: So I think ultimately as an impact and the ratable to the town I think it would be a good thing to at least do something, I know this, there was several applications, a medical center and unfortunately dollar wise I think what Mr. Manns did didn't work and Mr. Johnson was able to do that.

MR. ARGENIO: What's your owner's timing on the removal of the house on the corner?

MR. DENDE: It can be at any moment, the reason why he didn't do any of that because it's a reflection of do you disturb the area, it was a sensitive area about the SWPPP which we're trying to stay under the radar with one acre disturbance, we can do that, I don't think the applicant has a problem but he wanted to make sure the board was okay with that.

MR. ARGENIO: Well, we certainly--

MR. VAN LEEUWEN: I have no problem with that at all.

MR. ARGENIO: We can't authorize you to break the law but I think everybody would tell you that if it's in your plan to have that house removed, it's certainly a dilapidated, rundown, unsightly structure, I don't think anybody would disagree with me that the quicker the better. You guys on board with that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: That said, I'm not going to endeavor to walk through all these comments. Do you have a copy of Mark's comments?

MR. DENDE: No, we didn't get them.

MR. EDSALL: Mr. Chairman, if I can just touch on two items, obviously, there are some clean-up issues still they're making progress. The two issues that they really need to focus on we now have some drainage information but need to focus on that because it appears that at least one run is pitched backwards and the other run we don't know the slope to because there's no invert but it goes across the neighbor's property so you either need to get an easement--

MR. ARGENIO: What are you doing there with that?

MR. DENDE: Well, that's existing catch basins that

drain this back section right now, so do some investigation on our part and the applicant it's now revealed that this drain line comes across this parcel which is owned by Mr. Manns which the applicant has gotten a written agreement it hasn't been filed.

MR. ARGENIO: So you're going to get a drainage easement?

MR. DENDE: That's correct and I think we might of submitted it.

MR. ARGENIO: Go ahead, Mark.

MR. EDSALL: But you need to also look at the slopes because if in fact your data's correct, it's not draining the back because it's sloped backwards, so you need to focus on drainage. Second issue is lighting, there are some areas where there's much less than desirable lighting levels so you should focus on that. The rest is pretty much clean-up.

MR. VAN LEEUWEN: Be nice to clean that area up, it's been a mess a long time.

MR. ARGENIO: I agree, see it every day of my life I see it. Please stand up, come forward and tell your name to Franny please.

MR. JOHNSON: Floyd Johnson, the owner of the property. We did submit letters from Mr. Manns giving us the easement for the pipe.

MR. CORDISCO: I'm sorry, Mr. Chairman, is the suggestion that a letter is creating some kind of easement?

MR. ARGENIO: The letter doesn't create the easement.

MR. CORDISCO: Right.

MR. ARGENIO: Just to clarify, Dominic, correct me if I'm misspeaking, this is a nice letter that Mr. Manns submitted but I believe what we would require is a definitive lineal footage on the left side of the pipe, right side of the pipe with a description of those two lines that describe the easement. Dominic, is that correct?

MR. CORDISCO: And prepared in a legal document that then gets recorded in the County Clerk's Office so that way when it travels with the deeds so when you sell the property everyone in the world knows that there's an easement there that's permanent, otherwise, the letter gets lost, who knows.

MR. ARGENIO: Mr. Johnson, I tried to actually buy that property the one next to you quite a few times and Mr. Manns just didn't want to.

MR. JOHNSON: Still want the red house?

MR. ARGENIO: No, the property to the south up with the horses on it.

MR. VAN LEEUWEN: So did I.

MR. ARGENIO: You never know who's going to own it.

MR. VAN LEEUWEN: It's for your protection.

MR. ARGENIO: If anybody sees fit, do we need a motion to issue lead agency coordination letter, I think we should do that. If somebody sees fit, I will accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate lead agency coordination letter, begin the SEQRA process, the plans are in a substantial state of fitness now, we can do that.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: I'll accept a motion that we circulate to county.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate to county.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Do we need to get to DOT in Poughkeepsie I think?

MR. EDSALL: I'll make the referral now that the board's authorized.

MR. ARGENIO: Mark, do we need to have the engineer clarify that numerical information we talked about relative to the reverse flow pipe before it goes to

Poughkeepsie?

MR. EDSALL: Yes.

MR. ARGENIO: Please do that.

MR. EDSALL: That will be based on the updated plan.

MR. ARGENIO: Get that cleaned up.

MR. DENDE: In addition to that we'll actually put this language in.

MR. ARGENIO: That would be fantastic. With the description of the easements, don't oversimplify that, that could be a pain in the neck. I want to, let's ask the members how they feel about public hearing on this. To the north is an abandoned house that's going to be torn down, south is an empty lot that Casey Manns owns, to the east across the street is me and I will represent that as me being Argenio Brothers and my partners and that's certainly not going to affect my decision in any way, good, bad or indifferent, what do we feel about public hearing? I'll go to this side, Neil and Howard?

MR. SCHLESINGER: I don't think it's necessary.

MR. BROWN: I don't think so.

MR. SCHEIBLE: No, I don't think it's necessary either.

MR. VAN LEEUWEN: I agree with you.

MR. ARGENIO: I don't think so either. It's an empty lot that Casey Manns owns, he certainly knows what you're doing. I'm witnessing a letter in the file from Casey Manns offering that easement, it's improper as Dominic said, it needs to be a legal description and filed appropriately.

MR. CORDISCO: Than would be a condition of the approval.

MR. ARGENIO: But my point is that that letter is certainly tacit acknowledgement that Mr. Manns knows what these gentlemen are up to here. I will accept a motion that we waive.

MR. BROWN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. DENDE: We'll make these corrections, resubmit to Nicole for circulation.

MR. ARGENIO: That's what you should do if you want to keep moving and take a look at Mark's comments, sir, because there's a lot of clean-up here, no car crashes but you need to get them cleaned up and am I missing anything?

MR. EDSALL: No.

MR. ARGENIO: Thank your for coming in this evening, get with Nicole and let's keep it moving, I agree with Mr. Van Leeuwen, it will be good to see that cleaned up and operated properly.

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MR. JOHNSON: We'll remove the building as soon as we can.

MR. ARGENIO: That will be fantastic.

SONIC_DRIVE-IN_SITE_PLAN_(09-25)

MR. ARGENIO: Sonic Drive-In site plan.

Mr. Dan Koehler appeared before the board for this proposal.

MR. ARGENIO: Application proposes drive-in type restaurant facility on the existing commercial lot adjacent to the Wal-Mart site plan. Plan was previously reviewed at the 19 August, 2009, 9 September, 2009 and 14 October, 2009 planning board meetings. I see the Sonic representative, what's your name, sir?

MR. KOEHLER: Dan Koehler.

MR. ARGENIO: Two words, zoning board, what say you?

MR. KOEHLER: We were there Monday night and they decided to grant us a variance on the sign height for the facade sign so we got the relief of the 11 inches that we needed and they determined that the menu boards were operational equipment for us and are required in order for us to operate properly.

MR. ARGENIO: They are not signs they determined?

MR. KOEHLER: They determined they were not signs, they did not require variances.

MR. ARGENIO: It's a miracle. Dominic, what did I say from the beginning?

MR. CORDISCO: Well, it's good that the zoning board said it because they're the ones that get to make the interpretation.

MR. ARGENIO: Mr. Bedetti, what do you think about that?

MR. BEDETTI: I voted just as the gentleman acknowledged.

MR. ARGENIO: I think that was an appropriate decision on your behalf, I think in my opinion but it's your decision as Dominic pointed out, not mine.

MR. BEDETTI: We take responsibility for it.

MR. ARGENIO: Very good, that's what I like, a man who stands behind his statements. Insomuch as that's done, I'm going to just hit a couple things here. If anybody sees fit, I'll accept a motion to declare negative dec on this.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under State Environmental Quality Review Act. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Does anybody have anything on this, any of the other members? As I recall, we were essentially wrapped up, Dominic, am I missing anything?

MR. CORDISCO: No, sir. The only thing that's left for them to go over the wire with a conditional approval.

MR. ARGENIO: Somebody wants to do that.

MR. VAN LEEUWEN: I will move.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded we offer final approval subject to Mark's comments. Any other subject-tos?

MR. CORDISCO: That they pay their fees.

MR. ARGENIO: And they pay their fees. That said, roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Thank you guys for being patient and I think it's an appropriate decision, Mr. Bedetti, that you guys made. And good luck to you.

MR. KOEHLER: Thank you very much.

AAMCO_(88-48)

MR. ARGENIO: Aamco site plan, New York State Route 32. This application was previously reviewed by the planning board and is now seeking finalization toward approval. Sir, your name for the benefit of Franny?

MR. BAKKER: Leonard Bakker, I'm the owner.

MR. ARGENIO: Mark, I would like you to speak about this a bit. Mr. Bakker is here to offer some insight but this is kind of a little bit of a unique circumstance here, guys, I'm sure you're aware of it, it's a clean-up thing from many, many years ago that was left un-cleaned up I think through no fault of the planning board but Mr. Bakker desires to get it cleaned up. Mark, can you make a few comments?

MR. EDSALL: I'll try to very briefly just go through what I have in my comments which the length is mainly because of some of the historical information. It goes back to 1988, public hearing was opened by a gentleman named Scheible as the chairman back then back in December of 1988, I was here, but the public hearing was left open while some issues were considered. Unfortunately, it fell through the proverbial cracks and was never brought to conclusion. There was an old special permit issued on the site in '79, back with San Giacomo, there was a ZBA special permit issued which back then there were residences immediately adjoining, there was some restrictions on hours of operations, limiting vehicle parking. Mr. Bakker came in in 1988 seeking some relief to the parking restrictions. And unfortunately, here we are now many years later and we're just getting around to resolving it. As part of the reactivation of the application, we ask that he clean up the plan. It was a difficult plan to follow, he's hired an engineer who has basically prepared a reproduction of the old plan as far as information but updated it based on a field review of current

conditions. One such item I will just point out is that in an old fire inspector denial referenced an eight foot wide gate or six foot wide gate on the left rear of the building accessing the rear of the property. That gate is now much larger so when Bobby Rogers disapproved it, he changed the gate but that's now reflected on the new plan. So it was updated, this is a new plan, we have what might be one of the oldest open public hearings on record. So my suggestion is that you go back to where we were which is to discuss the appropriateness of vehicle parking now in 2009, back then they actually the zoning board back in the '70s didn't allow him to have vehicles out front during non-business hours, which is absolutely inconsistent with 2009 what's going on in that corridor. So we're kind of updating ourselves.

MR. VAN LEEUWEN: Neighbors screamed bloody murder.

MR. ARGENIO: Do you know where this is?

MR. SCHEIBLE: I know where it is.

MR. ARGENIO: The deal is back in the day in the '70s there was actually residences along the highway.

MR. VAN LEEUWEN: The ones in the back were doing all the screaming, not the guys here but here, oh man, no cars there, this and that.

MR. ARGENIO: There were residences out front, that's now primarily a commercial corridor on 32 and Henry Van Leeuwen is right, years and years ago when I first got on this board, there was quite a bit of noise from the people in the back and it's I think it's largely subsided. We lend towards buffer zones and things of that nature between the C zone and the R-4 zone and I shouldn't say I say, we, the reason I say we since I have been on this board, my predecessor Chairman Petro was the one that started that these buffer zones

between the C and R-4 zone and it's worked pretty good. And things have been pretty good over the past 13 years between those neighbors and the businesses in the front and it's always a difficult balance when two zones meet especially the AP zone when that meets some of those residences up along Silver Stream near the Thruway, you guys are aware of that zone line, goes right down Silver Stream Road. So all of that said, Mr. Bakker, what are your thoughts here? You have something to share you want to add to Mark's comments?

MR. BAKKER: Like we talked in the work session basically the only thing is the three restrictions in the original special permit about no cars being parked out front at night, only six cars out front, we clearly have 12 parking spaces and 12 paved and been able to store cars out in back because sometimes you get an overload and we have to have a place to park them, not that we ever stored really a lot of cars there, we try and keep it as down to a minimum because of we're responsible for them.

MR. ARGENIO: So is it reasonable for me to say that the storage you'll be doing in the back will be on the existing graveled area?

MR. BAKKER: Yes.

MR. ARGENIO: And that's where you have been storing them for years and years and years and years and years?

MR. BAKKER: For 21 years.

MR. ARGENIO: Is it reasonable for me to say that the cars that you store out front will not be junk cars?

MR. BAKKER: There's no junk cars period.

MR. ARGENIO: They will not be stored there for any extended period of time with oil leaking out of them?

MR. BAKKER: No, nothing like that.

MR. ARGENIO: Your business is going to continue to run the same as it's run last week, last month, six months ago?

MR. BAKKER: I no longer run the business, I lease the building and property to a tenant who runs exactly the same business that I ran, AAMCO Transmission.

MR. ARGENIO: I would point out that this is a special use permit so if there's an issue at some point in time we have a vehicle to contact the owner, be it Mr. Bakker or somebody else and bring them in here and say hey, guys, there's a problem and here's the problem. You cut down the trees in the back and you're storing 200 cars, that would be a problem. You recognize that, Mr. Bakker?

MR. BAKKER: Right.

MR. ARGENIO: Okay, same business.

MR. BAKKER: There's going to be no trees cut down in the back, what's clear is clear and there's a 70 foot buffer between the back and the neighbors behind there and we very rarely use the last hundred, hundred and five feet of the property anyway. Matter of fact, I can't remember when.

MR. ARGENIO: Neil, do you have a question?

MR. SCHLESINGER: Yeah, for the record being that Mr. Scheible never concluded this meeting in 1988, just--

MR. ARGENIO: Thank you for putting that in the minutes, Neil, go ahead.

MR. SCHLESINGER: For the record, is there a statute of

limitations?

MR. EDSALL: We're suggesting that there be a new public hearing, we're just having a little fun with Mr. Scheible.

MR. ARGENIO: No, it's not.

MR. VAN LEEUWEN: We're not gonna have a new public hearing.

MR. EDSALL: Well, you'd have to have a public hearing because it's a special permit use but it's clearly that we don't want to continue a public hearing from back then, we're starting with a new public hearing.

MR. SCHEIBLE: Going back in those days I can remember whenever we said jump to Mr. Bakker he said how high, he, no matter--

MR. VAN LEEUWEN: Never gave us a problem.

MR. SCHEIBLE: Not parking the various cars and I can still never remember seeing any cars parked in front of the building so they did exactly what they were told at the time so contrary to what he's saying.

MR. ARGENIO: Let's not make more of that than what we need to. I want to go through some procedural things, you guys are up to speed, Henry Scheible certainly does understand. If anybody sees fit, Dominic, we can take a lead agency?

MR. CORDISCO: You can, this would be an uncoordinated review therefore no--

MR. ARGENIO: Motion we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare ourselves lead agency. Roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: This application pre-exists the referral requirements for Orange County Department of Planning, as such, that referral is not required. So it's my understanding, Dominic, from a legal point of view so I don't misstep the only thing that we would have to do here is authorize public hearing, have that on that evening Mr. Bakker can receive his final approval assuming we don't have any major issues.

MR. CORDISCO: That's correct.

MR. ARGENIO: I'll accept a motion we schedule that.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Mr. Bakker, I think that's as far as we can go this evening, thank you for coming in and making an effort to get this cleaned up. As you can see, we're certainly going to do our best to try to work with you to accommodate you.

MR. BAKKER: Thank you.

MR. ARGENIO: Thank you for coming in, sir.

SCHLESINGERS_(09-28)

MR. ARGENIO: Next is Schlesingers.

MR. SCHLESINGER: I'm the applicant and so I'm going to ask the board to recuse myself from this.

MR. ARGENIO: Please recuse yourself, that's the right thing to do.

Mr. Hunter Schlesinger appeared before the board for this proposal.

MR. ARGENIO: Tell us briefly what he was going to do last time. Briefly correct me if I misspeak, your dad was here last time, it's basically an addition on your back patio enclosing that patio in as a, for a place to put more tables, is that what this application is for?

MR. H. SCHLESINGER: That's correct.

MR. ARGENIO: We talked at the last meeting about your dad wanted to go build the place before he had approval, what's your status with that anything going on?

MR. H. SCHLESINGER: We have started some demolition.

MR. ARGENIO: Certainly I don't have an issue with that, I don't think anybody else does. Project is pre-existing, previous existing, just going to, I don't have anything here, if anybody does, interrupt me, but I'm going to tell you, Hunter, I, just in case we didn't say it to Neil at the last meeting, there was some issues with the fire inspectors, some things that he wanted taken care of, your dad did acknowledge those items and he said that he would take care of them so very minor things, emergency lighting and exit lights needed to be installed, some minor stuff and I don't want to talk about it because it's not part of this

application. If it becomes an issue later on, you need to deal with Jennifer at the building department. So just tell your dad and wave your finger in this fashion that he needs to make sure he takes care of what the fire inspector wants.

MR. H. SCHLESINGER: Gladly.

MR. ARGENIO: Tell him I waived my finger too. Howard or Henry or Henry squared, do you guys have anything additional?

MR. VAN LEEUWEN: I don't think it's such a big deal, it's already basically there.

MR. ARGENIO: It's basically there but in keeping with the standards that we have here, Mark advised Neil that he should make sure that he follows the rules same as we make everybody else follow the rules and get a plan and get it done appropriately and he's doing such.

MR. EDSALL: Mr. Chairman, just for clarity, this plan does include not only the enclosure of the patio for serving area but he has addressed the seasonal event areas, the serving bar all the elements that he would like to have seasonal operations with so they have all been included on the plan.

MR. ARGENIO: Great. If anybody sees fit, Hunter, do you have any questions? Not moving too fast, am I?

MR. H. SCHLESINGER: I'm okay.

MR. ARGENIO: You don't need a seat belt or anything?

MR. H. SCHLESINGER: No.

MR. ARGENIO: Anybody sees fit, I'll accept a motion for final approval.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

| | |
|-----------------|---------|
| MR. BROWN | AYE |
| MR. SCHLESINGER | ABSTAIN |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Thank you Hunter for coming in tonight, good luck with your project.

DISCUSSION

NUGENT - 202 QUASSAICK AVENUE

MR. EDSALL: This is a very minor issue we just wanted to have into the minutes, the Nugent Mobile Home Park corner of Route 94 and Union Avenue, the portion that adjoins it would be 94, they are looking to put up a fence four foot high fence, it all depends if the board believes it needs a site plan application or not.

MR. ARGENIO: Isn't that a parking lot there?

MR. VAN LEEUWEN: No, the front a parking lot here.

MR. EDSALL: A portion of it is.

MR. SCHEIBLE: I'm confused too.

MR. EDSALL: If you're on Union Avenue it's, and you're looking at the convenient store, it's to the right side toward Union Avenue toward 94, it would run out toward 94 and run along that portion of the parking lot.

MR. ARGENIO: Why do they want to do that?

MR. EDSALL: Screening is what they're telling us.

MS. GALLAGHER: She's having issues with the convenient store using her parking area.

MR. ARGENIO: I believe she have does have those issues, I don't know that this is a planning board issue. Jennifer, what are your thoughts?

MS. GALLAGHER: I don't think it's an issue.

MR. ARGENIO: Guys, do you have any commentary?

MR. SCHEIBLE: What's the framed building?

MR. ARGENIO: That used to be the old Cavallo's, I guess people from the convenient store are parking in that parking lot, she must own that building.

MR. VAN LEEUWEN: No, she doesn't own the old Cavallo's, she owns the trailer park.

MS. GALLAGHER: She owns the building.

MR. VAN LEEUWEN: She has a problem with the people parking in there, I don't think.

MR. EDSALL: The only consideration which we would have the building department look at is obviously that they stake out the property line so they're sure they put it on their own property and sight distance that in no way would the fence obstruct sight distance from exiting traffic to any parking area.

MR. ARGENIO: Let me ask a question. Is there a right-of-way issue with DOT there?

MR. EDSALL: As long as it's on their property it's okay and because it's in a front yard area, it's limited to four foot.

MR. ARGENIO: And you should tell, Mark is right, you should tell her for her protection she should make sure that it's open and chain link so nobody can--

MS. GALLAGHER: No, proposed is six foot and we already told her that it cannot be six foot. She dropped it down to four foot.

MR. ARGENIO: Does she want razor wire too? I don't think it's our issue, guys, you guys all right with that? Jen, it's yours.

MACBETH/PPS

MR. EDSALL: We have the applicant here tonight to answer any questions. It involves the change in use of the rear building at Macbeth, last approval was application 03-14 for Chevron-Texaco which was a testing office, a vehicle testing facility, they stored vehicles, tested vehicles, ran vehicles to analyze fuels and then they had the office in that back building. I'll let the applicant continue.

MR. ARGENIO: Let me just, one second, let's slow down one second, your name for the Franny?

MR. YANNONE: Ray Yannone.

MR. ARGENIO: You're the builder or contractor?

MR. YANNONE: Yes.

MR. KING: Shawn King.

MR. ARGENIO: What's your position?

MR. KING: Safety compliance for Precision Pipeline.

MR. ARGENIO: Where this is guys is across from Central Hudson up the road from Washington Lake, am I right?

MR. YANNONE: Yes, it's right up the road from where you used to be.

MR. SCHEIBLE: And the building behind that you see from the highway there's a building behind it.

MR. ARGENIO: Prior application was Texaco.

MR. EDSALL: It was Chevron/Gretag and merged with Texaco.

MR. ARGENIO: So they were going to test cars on a Dyno and blah, blah, blah, blah, blah so what else do you have on this, Mark?

MR. EDSALL: That's the background, they're seeking the change, I'll let them explain what it is. My understanding of what they have explained to me so far is that it's equipment storage with an office which I believe is a permitted use in the PI zone. I will let them describe what they're going to do there and then the board could determine that it may be in fact change in use, they're proposing no site change so you're just acknowledging a change in use.

MR. ARGENIO: What do you got?

MR. YANNONE: Basically, the building itself is going to be laid out exactly as it is, there were offices that were approximately 10,000 square feet and there were bays of about 5,000 square feet, there's no reconfiguration of the interior, somebody has already started to do demo work, the grid ceilings are down, sprinkler system's still in place.

MR. ARGENIO: A prior owner?

MR. YANNONE: The actual building owner had done it at some point, again, the building itself, the bathrooms are there, just the walls were taken down, the ceiling grid was taken down and basically what we're doing is reconstructing the offices in the exact same footprint before using the same entrance, the front entrance, the only thing we're going to do is create a vestibule where you just walked into the bays before you're going to be able to walk into the offices.

MR. ARGENIO: You're restoring the prior demolition?

MR. YANNONE: Yes.

MR. ARGENIO: Okay.

MR. YANNONE: The bays that were formally used for the car testing I'll let Shawn explain what they're going to be doing there but basically that area will remain as it was with the bay doors, we're not making any changes to the exterior, we're going to replace the glass with insulated glass but not going to change any of the configuration, the yard as it is with the parking there's a side yard that goes into the bay doors, it's a gravel yard, there's a concrete pad that's outside, it's a little bit grassy but there's no clearing that's going to take place, not going to increase the area that's there, just going to be utilizing it for their own equipment for storage. But I will let him explain what's going to be in and what we're going to be doing.

MR. KING: Most of the storage we have is construction materials that we use for business.

MR. ARGENIO: Flamables?

MR. KING: No flammables, we also have some pipe storage, we're a natural gas company, very limited quantities and as far as equipment inside would be smaller more expensive items like compressors and generators for storage only, outside the grassy area would be excavators, trailers to a limited extent in this area.

MR. ARGENIO: Okay, what else?

MR. YANNONE: That's really about it.

MR. ARGENIO: Mark or Dominic?

MR. EDSALL: We're checking out one code issue with the bulk table.

MR. VAN LEEUWEN: Pipe and all that be stored outside?

MR. KING: If at all, very little, most of the pipe is brought to our job sites.

MR. ARGENIO: It seems to me the back of that probably borders the Laborer's Union Local 17.

MR. KING: I believe so, yes.

MR. ARGENIO: You guys just the union laborers that they supply, correct, for the most part?

MR. KING: No, we actually don't.

MR. ARGENIO: Didn't you guys do the Millennium Pipeline?

MR. KING: No, we're Precision Pipeline.

MR. YANNONE: So the parking is off 207, you drive around the back, it's really invisible the building and there's a driveway, this is a clearly cleared area, I think they were planning another building here when this plan was done in 2007, this was never built, there is a concrete pad where the bay doors go in and this area is just flat grassy gravel right now.

MR. VAN LEEUWEN: Where are you going to store the pipes?

MR. YANNONE: Everything will be in the side yard on the side of the building by the bay doors.

MR. ARGENIO: This is all wooded.

MR. YANNONE: It's wooded around.

MR. VAN LEEUWEN: Will you see the piping and all that from the road?

MR. YANNONE: Impossible, I didn't even know the building was back there.

MR. ARGENIO: If you go up Steele Road you can barely see the parking lot from Steele Road and you cannot see it in the summertime. Go ahead, guys.

MR. EDSALL: The use as I see it is A-13 plus the office, the vehicle equipment parking is really just reusing existing parking that's not an issue, storage of trailers and equipment or compressors in the bays obviously that's interior, that's not an issue, the code does say that if you're storing outside products, outside storage you're supposed to have a six foot fence around it, that's the way the bulk table reads. You obviously have a situation here that's quite unique that it's not visible from what I'm hearing any vantage point.

MR. CORDISCO: It's not providing screening to adjacent neighbors.

MR. ARGENIO: So what you're saying we should waive the code?

MR. EDSALL: We're trying to figure out where there might be some code flexibility to give you the ability to take that six foot fence and not mandate.

MR. ARGENIO: I think we're all okay with that if there's wood all around. Henry and Henry?

MR. SCHEIBLE: I have no problem but just to go back we're just going to be storing, we're not going to be, are you going to be doing repair work inside the building or not?

MR. KING: No.

MR. SCHEIBLE: Just storage?

MR. YANNONE: Yes.

MR. ARGENIO: I'm okay with this.

MR. EDSALL: I think that well, they're not really as Dom points out there's no application pending, you're just acknowledging a change in use and deciding if you want a site plan application. You could say that if you have complaints or issues with visibility of the storage that you could have them, ask them to file a site plan amendment if a problem arises and deal with it then.

MR. ARGENIO: Do you agree to that?

MR. KING: I do, yes.

MR. EDSALL: Cause there's really nothing before you.

MR. CORDISCO: The purpose of the fencing would be for screening to the neighbors and as everyone pointed out--

MR. ARGENIO: If it becomes a problem for the neighbors, you'll have a problem, it's really not anymore complex than that. I don't mean to be too blunt but that's the deal. So I don't think there's any issue.

MR. EDSALL: We'll turn it over to the building department.

MR. ARGENIO: Yeah, go see Jen. Good luck to you. Okay, if nothing further motion to adjourn?

MR. SCHEIBLE: So moved.

MR. VAN LEEUWEN: Second it.

October 28, 2009

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ROLL CALL

| | |
|-----------------|-----|
| MR. BROWN | AYE |
| MR. SCHLESINGER | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

Respectfully Submitted By:

Frances Roth
Stenographer

